

REMARKS

Claims 1-33 are pending. Some of those claims are objected to due to form and also are rejected under an obviousness-type double patenting rationale.

Claim Objections

Claims 1 has been amended appropriately to change the spelling of the word "utilize." As such, the claim objections of that claim has been addressed.

Claim 24 has been amended

Double Patenting Rejection

Claims 1-33 are provisionally rejected on the grounds of a non-statutory obviousness-type double patenting over the claims 1-15 of co-pending parent application No. 10/386,057. Included herewith is a Terminal Disclaimer disclaiming that portion of the present application which would extend beyond the expiration date of any patent issuing from the '057 parent application. Accordingly, such a Terminal Disclaimer should address the obviousness-type double patenting rejection.

Applicant believes that all of the issues raised by the Examiner in the Office Action have been addressed and that the application is in an allowable form.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that the present amendment does not place the application in a condition for allowance, Applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application.

Applicant submits herewith \$130.00 to cover the cost of filing of the Terminal Disclaimer. Applicant does not believe that any other fees are due in connection with this response. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



Kurt A. Summe
Reg. No. 36,023

2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
(513) 241-2324
(513) 421-7269 facsimile